

R430-90-3. LICENSE REQUIRED.

Individuals and businesses that provide care for children are licensed and regulated by Child Care Licensing (CCL) unless they are specifically exempt under Utah law. The rules in this section explain who is required to be licensed. In licensed facilities, CCL rules apply to all qualifying children.

(1) A person shall be licensed as a licensed family child care provider if they provide care:

- (a) In the home where they reside;**
- (b) in the absence of the child's parent,**
- (c) for five to 16 unrelated children,**
- (d) for four or more hours a day,**
- (e) for each individual child for less than 24 hours a day,**
- (f) on a regularly scheduled, ongoing basis; and**
- (g) for direct or indirect compensation.**

Rationale/Explanation

Within the early care and education system, licensing provides the baseline of protection for children and covers the broadest content, the largest number of children from birth to school age, and the largest population of providers. Licensing helps prevent various forms of harm to children—risks from the spread of disease; fire and other building safety hazards; injury; and developmental impairment from the lack of healthy relationships with adults, adequate supervision, or developmentally appropriate activities. National Center on Early Childhood Quality Assurance. Research Brief #1: Trends in Child Care Center Licensing for 2017.

Compliance Guidelines

- An individual providing child care in their home is licensed as a family child care facility.
 - Only one license or certificate will be issued for the same home.
 - When a person owns or rents both sides of a duplex and lives in one side and wants to provide care in the other side, a license may be issued for the unoccupied side as long as there is a door adjoining both sides. In this case, the duplex will be considered one residence.
- A license is required when a provider cares for five or more qualifying children.
- Individuals who care for fewer than 5 children are not required by law to be regulated. However, a person may request to be regulated by Child Care Licensing if they care for at least one unrelated, qualifying child under the other conditions listed in 90-3(1)(a)-(g) above.

- People who care for children less than 4 hours per day are not required to be licensed. This includes preschools that have a morning and afternoon session, each less than 4 hours, provided that no child attends both sessions, or attends a total of 4 hours or more per day.
- A “regularly scheduled, ongoing basis” means that children attend the program on a regular basis, as opposed to occasional drop-in care.
- Direct compensation means that there is a cash payment for providing child care. Indirect compensation is a noncash payment of goods, time, or services for the child care that is provided.
- Noncompliance with this rule will be determined by the CCL complaint investigator.

Risk Level

High

Corrective Action for 1st Instance

Citation and CMP Warning

- (2) A person who is not required to be licensed may voluntarily become licensed, except for care that is for related children only or on a sporadic basis.**

Rationale/Explanation

When a provider cares for related children only, in order to receive child care subsidy payments from the State. Instructions for obtaining this approval may be found at:

childcarelicensing.utah.gov.

A license is unavailable for occasional drop-in child care.

- (3) A provider may be licensed to provide child care in a facility that is also licensed to offer foster or respite care services, or another licensed or certified human services program if the part of the building requesting a CCL license is physically separated from the other building services.**